

**Yee & Associates,
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Facsimile Cover Sheet

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To: Commissioner for Patents for Examiner Charles A. Fox Group Art Unit 3652	Facsimile No.: 703/872-9306
From: Amy Miller Legal Assistant to Betty Formby	No. of Pages Including Cover Sheet: 18
Message: Enclosed herewith: <ul style="list-style-type: none">• Transmittal Document;• Response to Notice of Non-Compliant Amendment;• Copy of Notice of Non-Compliant Amendment; and• Supplemental Response to Office Action.	
Re: Application No. 10/033,879 Attorney Docket No: 00-073-TAP	
Date: Friday, May 14, 2004	
Please contact us at (972) 367-2001 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.	<i>This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.</i>

**PLEASE CONFIRM RECEIPT OF THIS TRANSMISSION
BY FAXING A CONFIRMATION TO 972-367-2008.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Smith et al.**Serial No.: **10/033,879**Filed: **December 19, 2001**For: **Online, Safe Service Technique
for Automated Libraries**§ Group Art Unit: **3652**

§

§ Examiner: **Fox, Charles A.**

§

§ Attorney Docket No.: **00-073-TAP**

§

§

Certificate of Transmission Under 37 C.F.R. § 1.8(a)
I hereby certify this correspondence is being transmitted via facsimile to the:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,
facsimile number (703) 872-9306 on May 14, 2004
By: Amy Miller
Amy Miller

TRANSMITTAL DOCUMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ENCLOSED HEREWITH:

- Response to Notice of Non-Compliant Amendment;
- Copy of Notice of Non-Compliant Amendment; and
- Supplemental Response to Office Action.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to Storage Technology Corporation Deposit Account No. 19-4545. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to Storage Technology Corporation Deposit Account No. 19-4545.

Respectfully submitted,

Duke W. Yee

Registration No. 34,285

YEE & ASSOCIATES, P.C.

P.O. Box 802333

Dallas, Texas 75380

(972) 367-2001

ATTORNEY FOR APPLICANTS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 14 2004

In re application: Smith et al.

Serial No.: 10/033,879

Filed: December 19, 2001

For: Online, Safe Service Technique for
Automated Libraries§
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Group Art Unit: 3652

Examiner: Fox, Charles A.

Attorney Docket No.: 00-073-TAP

OFFICIAL

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the: Commissioner for Patents, Alexandria, VA 22313-1450, facsimile
number (703) 872-9306, on May 14, 2004

By:

Amy Miller

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Non-Compliant Amendment was received by Applicant stating that "the amendment filed on 04/13/04 is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on June 30, 2003". A copy of the Notice of Non-Compliant Amendment is attached hereto.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to Storage Technology Corporation Deposit Account No. 19-4545. No extension of time is believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to Storage Technology Corporation Deposit Account No. 19-4545.

Respectfully submitted,



Duke W. Yee

Registration No. 34,285

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Dallas, Texas 75380

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ATTORNEY FOR APPLICANTS



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 04/13/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☒ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/procnotice/officetlyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Pamela Allen
Legal Instruments Examiner (LIE)

(703) 308-5465
Telephone No.

Rev. 10/03

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: **Smith et al.**Serial No.: **10/033,879**Filed: **December 19, 2001**For: **Online, Safe Service Technique
for Automated Libraries**§
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§Group Art Unit: **3652**Examiner: **Fox, Charles A.**Attorney Docket No.: **00-073-TAP****Certificate of Transmission Under 37 C.F.R. § 1.8(a)**

I hereby certify this correspondence is being transmitted via
facsimile to the Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, facsimile number (703) 872-9306,
on May 14, 2004.

By: Amy Miller

Amy Miller

SUPPLEMENTAL RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to Storage Technology Corporation Deposit Account No. 19-4545. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to Storage Technology Corporation Deposit Account No. 19-4545.

In response to the Office Action dated January 21, 2004, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Listing of the Claims begins on page 3 of this paper.

Remarks begin on page 7 of this paper.

Page 1 of 14
Smith et al. - 10/033,879